

REPORT OF THE EXECUTIVE OFFICER  
State Allocation Board Meeting, August 27, 2003

DISTRICT FUNDED FACILITIES INCLUDED IN  
EXISTING SCHOOL BUILDING CAPACITY

PURPOSE OF REPORT

To present proposed emergency regulations to modify the method for including facilities constructed with local funds in the district's existing classroom capacity.

BACKGROUND

At its May 2003 meeting, the State Allocation Board (SAB) requested staff to review the current regulation for including district funded facilities in the district's existing classroom capacity, to determine if it should be modified. Under current law and regulation, a district must file an application for funding no later than 180 days after signing a construction contract for building or leasing a facility. If the district does not do so, the classrooms become a part of the district's existing school building capacity, thus reducing the district's available new construction eligibility for funding and precluding reimbursement of the costs for the project.

AUTHORITY

Education Code Section 17071.75(b) states:

After a one-time calculation of existing school building capacity, known as the 'baseline', is made, the Education Code provides that it shall be adjusted by the "...number of pupils for which facilities were **provided** from any state or local funding source after the existing school building capacity was determined..."

Regulation Section 1859.51(i) states that the district's baseline eligibility shall be reduced "...by the number of pupils housed ... in any classroom provided after the baseline eligibility was determined..."

STAFF COMMENTS

The direction in the law is clear that regardless of the source of funding any classroom is to be counted in the district's existing school building capacity. However, the SAB may determine when a classroom is "provided". The current regulation uses the date of the signing of a contract for the lease or construction as the milestone for when a classroom is provided, but allows a 180 day grace period to file an approvable application for funding. Some districts did not comply with the requirement to file an application within the 180 days, later citing the current regulations did not provide clear direction on this requirement, and were precluded from receiving School Facility Program (SFP) State funding for its projects.

Staff, with the concurrence of the Implementation Committee, believes the date of occupancy of any classroom included in the construction contract is a more valid measure. The proposed regulations provide that if a district wishes to seek funding under the SFP for a project, it must file a complete application for funding with the Office of Public School Construction prior to the date of occupancy. After the date of occupancy, a district will be ineligible to seek reimbursement under the SFP for that project and the pupils housed in the classrooms will be reduced from the district's available new construction eligibility.

(Continued on Page Two)

STAFF COMMENTS (cont.)

The proposed regulations also provide for grandfathering provisions for projects that have been deemed ineligible by OPSC under this current regulation and allow a district 90 days after these regulations are approved by the Office of Administrative Law (OAL) to resubmit the application to request reimbursement for the project. Any State funding provided will be limited to the grants that would have been provided by the State at the time the construction contract was signed. The proposed regulations also allow a district to request an eligibility increase in the cases where a district received State funding but received a second reduction of pupils.

The clarification in these proposed regulations addresses districts that initiated their project without State assistance. Further, this proposal will enhance new construction participation in the SFP. Therefore, the OPSC recommends that the SAB adopt the attached regulations on an emergency basis, as they are necessary for the immediate preservation of the public peace, health and safety, or general welfare.

RECOMMENDATIONS

1. Adopt the proposed amendments to the regulations as shown on the Attachment and begin the regulatory process.
2. Authorize the OPSC to file the regulations on an emergency basis with the OAL.

**ATTACHMENT**  
Proposed Regulatory Amendments  
District Funded Facilities Included in Existing  
School Building Capacity  
State Allocation Board, August 27, 2003

Section 1859.2. Definitions.

For the purpose of these regulations, the terms set forth below shall have the following meanings, subject to the provisions of the Act:

...

“Classroom Provided” means a classroom in which Occupancy has occurred. ~~acquired by lease, lease-purchase, or purchase for which a contract has been signed for the construction or acquisition of the classroom.~~

...

“Occupancy” means the point at which pupils occupy a classroom as evident by district documents such as the school board’s adopted calendar, classroom attendance rosters, fire marshal approval of the classroom, etc.

...

Note: Authority cited: Sections 17070.35 and 17078.64, Education Code.

Reference: Sections 17009.5, 17017.6, 17017.7, 17021, 17047, 17050, 17051, 17070.15, 17070.51(a), 17070.71, 17070.77, 17071.10, 17071.25, 17071.30, 17071.33, 17071.35, 17071.40, 17071.75, 17071.76, 17072.10, 17072.12, 17072.18, 17072.33, 17073.25, 17074.10, 17075.10, 17075.15, 17077.40, 17077.42, 17077.45, 17078.52, 17078.56, 17280, and 56026, Education Code. Section 53311, Government Code.

Section 1859.51. Adjustments to the New Construction Baseline Eligibility.

The baseline eligibility for new construction determined on the Form SAB 50-03, will be adjusted as follows:

- (a) Reduced by the number of pupils provided grants in a new construction SFP project and by the number of pupils that received a Preliminary Apportionment pursuant to Section 1859.140 or a Preliminary Charter School Apportionment pursuant to Section 1859.160.
- (b) Reduced by the number of pupils housed, based on the loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in a new construction LPP project funded under the provisions of the LPP pursuant to Sections 1859.12 or 1859.13.
- (c) Reduced by the number of pupils housed in additional classrooms constructed or purchased based on the loading standards, pursuant to Education Code Section 17071.25(a)(2)(A), in a modernization SFP project.
- (d) Adjusted as a result of the audit findings made pursuant to Sections 1859.90 and 1859.105.
- (e) Increased/decreased by changes in projected enrollment in subsequent enrollment reporting years for all districts except decreases as provided in (j) below.
- (f) Adjusted as a result of errors or omissions by the district or by the OPSC.
- (g) Adjusted as a result of amendments to these Regulations that affect the eligibility.
- (h) Increased by the number of pupils eligible for grants pursuant to Section 1859.82 (a).
- (i) Reduced by the number of pupils housed, based on loading standards pursuant to Education Code Section 17071.25(a)(2)(A), in any ~~e~~Classroom ~~p~~Provided after the baseline eligibility was determined by the Board with the exception of those pupils housed or to be housed in a classroom:
  - (1) That is a trailer and transportable/towed on its own wheels and axles.
  - (2) Of less than 700 interior square feet.
  - (3) Excluded pursuant to Education Code Section 17071.30.
  - (4) Where the contract for the lease, lease-purchase, purchase, or construction of the classroom was made prior to January 1, 2000.
  - (5) Where the contract for the lease, lease-purchase, lease lease-back, purchase, or construction was made and Occupancy of any classroom included in the construction contract has not occurred prior to no more than 180 days before the Approved Application date for funding. ~~of the classrooms included in the contract.~~

- (6) That is included in a SFP project where the district has funded a portion of the project beyond its required district contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
- (7) That was acquired with joint-use funds specifically available for that purpose.
- (j) For small school districts, decreased:
  - (1) By any reduction in projected enrollment beginning in the enrollment-reporting year that follows a three year period beginning when the district's baseline eligibility was determined by the Board. The reduction shall be determined by any decrease between the current projected enrollment and the projected enrollment used when the district's baseline eligibility was determined by the Board pursuant to Section 1859.50 or adjusted by a subsequent operational grant report after that date.
  - (2) By any increase in the number of pupils included in the latest operational grant report made by the CDE pursuant to Education Code Section 42268 beginning three years after the district's baseline eligibility was determined by the Board pursuant to Section 1859.50. The reduction in eligibility shall be determined by the number of pupils included in the latest operational grant report that exceed the number of pupils included in the operational grant report in effect when the district's baseline eligibility was determined by the Board pursuant to Section 1859.50 or adjusted by a subsequent operational grant report after that date.
- (k) Adjusted for any change in classroom inventory as a result of a reorganization election.
- (l) For classroom loading standards adopted by the Board for non-severely disabled individuals with exceptional needs and severely disabled individuals with exceptional needs.
- (m) As directed by the Board due to a finding of a Material Inaccuracy pursuant to Regulation Section 1859.104.1.
- (n) Increased by the number of pupils that received a Preliminary Apportionment that was rescinded pursuant to Section 1859.148 or a Preliminary Charter School Apportionment that was rescinded pursuant to Section 1859.166.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17052, 17070.51, 17071.25, 17071.75, 17071.76, 17072.20 and 17077.40, Education Code.

#### Section 1859.51.1. Baseline Adjustments for Locally Funded Facilities.

For any pupils that were reduced from the district's New Construction Eligibility due to the construction contract being signed more than 180 days prior to the submission of the Approved Application, the district may request an increase to the district's baseline eligibility in accordance with Section 1859.51 pursuant to either (a) or (b) below:

- (a) By the number of pupils in which the district received a second reduction of pupils due to receiving State funding for classrooms included in a construction contract signed more than 180 days from the date the Approved Application was received by OPSC. This request may be submitted in writing to the OPSC by the authorized District Representative no later than 90 days after this proposed regulation is in effect.
- (b) By the number of pupils previously reduced from the baseline due to the construction contract exceeding 180 days from filing an Approved Application for those classrooms in the project and that are included in a request for State funding pursuant to Section 1859.70.2.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.51, 17071.25, 17071.75, and 17071.76, Education Code.

#### Section 1859.70. General.

A district seeking New Construction or Modernization funding shall complete and file Form SAB 50-04, after completing the applicable requirements in Section 1859.20. The Board shall only provide New Construction funding if the Approved Application was submitted to the OPSC prior to the date of Occupancy for any

classrooms included in the construction contract. After the date of Occupancy of any classroom in the construction contract, a district will be ineligible to seek New Construction funding and the classrooms will be reduced from the baseline eligibility pursuant to Section 1859.51(i).

A district affected by a reorganization election on or after November 4, 1998 may not file an application for New Construction funding after the notification of the reorganization election until a new calculation of the district's baseline eligibility has been determined on the Form SAB 50-03, or the district certifies that the reorganization election will not result in a loss of eligibility for the project for which the district is requesting new construction grants.

A district that is newly created as a result of a reorganization election may file an application for funding after approval of the election has been made by the State Board of Education.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17071.10, 17071.75, 17072.10 and 17074.10, Education Code.

#### Section 1859.70.2. Funding of Previously Ineligible Projects.

For any classrooms that were previously ineligible for State funding due to the construction contract being signed more than 180 days prior to the submission of the Approved Application, the district may request funding for the project if all the following conditions are met:

- (1) The Approved Application for funding must be filed with the OPSC no later than 90 days after this proposed regulation is in effect; and.
- (2) The Approved Application meets all requirements of Chapter 12.5; and.
- (3) The contract for the lease, lease-purchase, purchase or construction has been signed on or after January 1, 2000; and.
- (4) The grants for the projects funded pursuant to this Section shall be limited to actual eligible expenditures and the funding provided will be calculated based on the grant amounts at the time the construction contract was signed. The project will not be eligible to receive project savings as provided for in Section 1859.103; and.
- (5) The district has new construction eligibility for the project. If the capacity of the project is included in the district's baseline, the district may exclude the capacity from its existing school building capacity for purposes of determining eligibility for this project; and.
- (6) All project approvals required for a new construction funding application were obtained prior to the construction contract date.

If the Approved Application meets all criteria except (6) above, the district may request a case-by-case approval from the Board.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17071.10, 17071.75, 17072.10 and, 17072.20, Education Code.

#### Section 1859.103. Savings.

A district may expend the savings not needed for a project on other high priority capital facility needs of the district including the relocation of district facilities necessary as a result of Subdivision (b) of Education Code Section 17072.12. The grants for the projects funded pursuant to Section 1859.70.2 shall be limited to eligible expenditures, up to the State Apportionment for the project. Savings may be declared by the district in writing to the OPSC any time after the release of all funds for the project.

With the exception of savings attributable to a site apportionment made pursuant to Sections 1859.74.5 or 1859.81.2, the State's portion of any savings declared by the district or determined by the OPSC by audit must be used to reduce the SFP financial hardship grant of that project or other financial hardship projects within the district for a period of three years from the date the savings were declared by the district or determined by the OPSC audit. The State's portion of any savings from a new construction project or a Joint-Use Project may be used as a district matching share requirement, only on another new construction project, and the State's share of any savings from a modernization project may be used as a district matching share requirement, only on another modernization project.

Any interest earned on a financial hardship project not expended on eligible project expenditures will be treated as savings and will be used to reduce the SFP financial hardship grant for that project.

Note: Authority cited: Section 17070.35, Education Code.

Reference: Sections 17070.63, 17072.12 and 17077.40, Education Code.

**APPLICATION FOR FUNDING****SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 04/08/03)

**GENERAL INFORMATION**

Once the Board has determined or adjusted the district's eligibility for either new construction or modernization funding on Form SAB 50-03 the district may file an application for funding by use of this form. The Board will only provide new construction funding if this form is submitted prior to the date of Occupancy of any classrooms included in the construction contract. If the district has a pending reorganization election that will result in the loss of eligibility for the proposed project, the district may not file an application for funding until the Board has adjusted the district's new construction baseline eligibility as required in Section 1859.51. This may be accomplished by completion of Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03.

For purposes of Education Code Section 17073.25, the California Department of Education (CDE) is permitted to file modernization applications on behalf of the California Schools for the Deaf and Blind.

Requests for funding may be made as follows:

A separate apportionment for site acquisition for a new construction project for environmental hardship pursuant to Section 1859.75.1. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
- Contingent site approval letter from the CDE.
- Preliminary appraisal of property.
- Approval letter from the Department of Toxic Substances Control.

A separate apportionment for site acquisition and/or design costs for a new construction project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. Districts may apply for a separate apportionment for the design and for site acquisition on the same project. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-01, Form SAB 50-02, and Form SAB 50-03 (if not previously submitted).
- Contingent site approval letter from the CDE (site apportionment only).
- Preliminary appraisal of property (site apportionment only).

A separate apportionment for district-owned site acquisition cost pursuant to Section 1859.81.2. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-01, Form 50-02, and Form SAB 50-03 (if not previously submitted).
- Site approval letter from the CDE.
- Appraisal of district-owned site.
- Cost benefit analysis as prescribed in Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.

A separate apportionment for design cost for a modernization project pursuant to Section 1859.81.1. This apportionment is available only to districts that meet the financial hardship criteria in Section 1859.81. For purposes of this apportionment, the Form SAB 50-03 must accompany this form (if not previously submitted).

A New Construction Adjusted Grant pursuant to Section 1859.70. If the funding request includes site acquisition, the proposed site must either be owned by the district, in escrow, or the district has filed condemnation proceedings and received an order of possession of the site. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03 (if not previously submitted).
- Site/plan approval letter from the CDE.

- Appraisal of property if requesting site acquisition funds.
- Plans and specifications (P&S) for the project that were approved by the DSA. Submittal of plans may be on CD-ROM or "Zip Drive" readable in AutoCAD 14. The specifications may be provided on a diskette that is IBM compatible.
- Cost estimate of proposed site development, if requesting site development funding.
- School board resolution if requesting more grants than the capacity of the project or to use grant eligibility at another grade level. Refer to Section 1859.77.2.
- If the site apportionment is requested pursuant to Regulation Section 1859.74.5, a cost benefit analysis as prescribed in Regulation Section 1859.74.6 or a copy of the Board finding that the non-school function on the district-owned site must be relocated.

Modernization Adjusted Grant pursuant to Section 1859.70. For purposes of this apportionment, the following documents must be submitted with this form (as appropriate):

- Form SAB 50-03 (if not previously submitted).
- P&S for the project that were approved by the DSA.
- DSA approval letter for elevator to meet handicapped compliance, if funding is requested.
- Plan approval letter from the CDE.
- Districtwide enrollment data on Form SAB 50-01 when requesting project assistance (if not previously submitted).

Prior to acceptance of an application for funding that includes a financial hardship request, the district must have its financial hardship status "pre-approved" by the Office of Public School Construction (OPSC). To apply for a financial hardship "pre-approval", consult the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov).

If the district is requesting New Construction funding after the initial baseline eligibility was approved by the Board and the district's current CBEDS enrollment reporting year is later than the enrollment reporting year used to determine the district's baseline eligibility or adjusted eligibility, the district must complete a new Form SAB 50-01 based on the current year CBEDS enrollment data, and submit it to the OPSC with this form. A small district with 2,500 or less enrollment as defined in Section 1859.2 will not have its eligibility reduced for a period of three years from the date the district's baseline eligibility was approved by the Board as a result of reduction in projected enrollment.

For a list of the documents that must be submitted in order for the OPSC to deem a funding request for new construction or modernization complete and ready for OPSC processing, consult the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov).

For purposes of completing this form for a Final Charter School Apportionment, a charter school shall be treated as a school district.

**SPECIFIC INSTRUCTIONS**

The district must assign a Project Tracking Number (PTN) to this project. The same PTN is used by the OPSC, the DSA and the CDE for all project applications submitted to those agencies to track a particular project through the entire state application review process. If the district has already assigned a PTN to this project by prior submittal of the P&S to either the DSA or the CDE for approval, use that PTN for this application submittal. If no PTN has been previously assigned for this project, a PTN may be obtained from the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) "PT Number Generator."

1. Check the appropriate box that indicates the type of School Facility Program (SFP) grant the district is requesting for purposes of new construction, modernization, a separate design and/or site apportionment, site apportionment as an environmental hardship or New Construction (Final Apportionment). If the application is for modernization of a California School for the Deaf or Blind, the CDE shall check the box identified as

**APPLICATION FOR FUNDING****SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 04/08/03)

Modernization of California Schools for the Deaf/Blind. If the request is for a separate design apportionment, the CDE shall check the appropriate box. If the eligibility for this project was established as a result of the need for new or replacement facilities pursuant to Section 1859.82 (a) and (b), or rehabilitation pursuant to Section 1859.83 (e), check the appropriate box.

If this request is for an addition to an existing site and advance funding for the evaluation and RA costs, check the appropriate box and refer to Section 1859.74.4.

If this request is to convert a Preliminary Apportionment or a Preliminary Charter School Apportionment to a Final Apportionment, check the New Construction (Final Apportionment or Final Charter School Apportionment) box.

If the district is requesting a separate site and/or design apportionment, complete boxes 2a, 3, 4, the site acquisition data in box 5 (d and e), and boxes 12, 13, 14, 15 and 18 only.

2. a. Select the type of project that best represents this application request and enter the number of pupils assigned to the project for each grade group. Include pupils to be housed in a new or replacement school authorized by Section 1859.82 (a). The amount entered cannot exceed the district's baseline eligibility determined on Form SAB 50-03 and will be the basis for the amount of the new construction or modernization grants provided for the project.

If this request is for a Final Apportionment, the pupils assigned to the project must be at least 75 percent, but not more than 100 percent, of the pupils that received the Preliminary Apportionment. Refer to Section 1859.147.

- b. Check the box if the project is eligible for funding for 50 year or older permanent buildings and report, at the option of the district:

- The total number of classrooms or the total square footage building area to be modernized as part of the project. Refer to Section 1859.78.6(b)(1)(A) or (b)(2)(A).
- The total number of permanent classrooms or the total permanent square footage building area to be modernized as part of the project that is at least 50 years old. Refer to Section 1859.78.6(b)(1)(B) or (b)(2)(B).

- c. Indicate if this request is for funding of a 6–8 school.
- d. Check the box(es) if the district requests and the project qualifies for additional funding for fire code requirements authorized in Sections 1859.71.2 or 1859.78.4.
- e. Check the applicable box if the district is requesting additional pupil grants assigned to the project that exceed the capacity of the project or if the pupils assigned represent eligibility determined at another grade level and check the appropriate box to indicate under which regulation the district is applying. The pupil capacity of the project may be determined by multiplying the classrooms reported in box 3 by 25 for K-6; 27 for 7-8, 9-12 grades; 13 for non-severe and 9 for severe.
- f. If the request is for replacement facilities pursuant to Section 1859.82 (a) or (b) on the same site, check the facility hardship box.

3. Enter the:

- Number of classrooms as shown on the plans and specifications (P&S). If there was demolition at the site, report the net increase in the number of classrooms showing in the P&S.
- Master plan site size, as recommended by the California Department of Education.
- Existing Useable Acres already owned at that location (if any).

- Proposed Useable Acres that was/will be purchased as part of the application (if any).

4. Check the box if the district is requesting financial hardship assistance because it is unable to meet its matching share requirement. Refer to Section 1859.81 for eligibility criteria. Districts requesting financial assistance must have received a pre-approval for financial hardship status by the OPSC. Consult the OPSC Web site at [www.opsc.dgs.ca.gov](http://www.opsc.dgs.ca.gov) for details and necessary documentation needed in order to determine eligibility.

5. Check the appropriate box(es) if the district requests an augmentation to the new construction grant for "additional" grants for the items listed or for replacement facilities pursuant to Section 1859.82 (a) and (b). Refer to Sections 1859.72 through 1859.76 and 1859.82 (a) and (b) for eligibility criteria. Enter the:

- a. Therapy area in square feet as provided in Section 1859.72.
- b. Multilevel classrooms in the P&S pursuant to Section 1859.73.
- c. Check the box if the district is requesting project assistance pursuant to Section 1859.73.1. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- d. Indicate the site scenario that best represents the project request. If no RA is required, refer to Section 1859.74. If a RA is required on a site that is not leased or an addition to an existing site, refer to Section 1859.74.2. If RAs are required on a leased site or an addition to an existing site, refer to Sections 1859.74.3 or 1859.74.4, respectively. The limitation of 50 percent may be exceeded when unforeseen circumstances exist, the CDE determines that the site is the best available site, and substantiation that the costs are the minimum required to complete the evaluation and RA.
  - (1) Enter 50 percent of the actual cost.
  - (2) Enter 50 percent of the appraised value of the site. If the request is made pursuant to Regulation Section 1859.74.5, enter 50 percent of the appraised value.
  - (3) Enter 50 percent of the allowable relocation cost.
  - (4) Enter two percent of the lesser of the actual cost or appraised value of the site (minimum \$25,000).
  - (5) Enter 50 percent of the Department of Toxic Substances Control (DTSC) fee for review and approval of the phase one environmental site assessment and preliminary endangerment assessment reports. Refer to Sections 1859.74, 1859.74.1, 1859.74.5, 1859.75, 1859.75.1 and 1859.81.1.

A project that received site acquisition funds under the Lease-Purchase Program (LPP) as a priority two project is not eligible for site acquisition funds under the SFP. A district-owned site acquired with LPP, SFP or Proposition 1A funds is not eligible for funding under Regulation Section 1859.74.5.

- e. Enter 50 percent of the amount allowable for hazardous materials/waste removal and/or remediation for the site acquired pursuant to Sections 1859.74.2, 1859.74.3, 1859.74.4, 1859.75.1 or 1859.81.1. If an RA is required, check the box.
- f. Enter 50 percent of eligible service-site development, off-site development including pedestrian safety paths and utilities costs allowed pursuant to Section 1859.76. Attach cost estimates of the proposed site development work which shall be supported and justified in the P&S. All cost estimates shall reflect 100 percent of the proposed work.



**APPLICATION FOR FUNDING****SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 04/08/03)

- g. If the district is requesting replacement facilities on the same site, enter the square footage requested as provided in Section 1859.82 (a) or (b).
- h. Enter the square feet of eligible replacement area as provided by Section 1859.73.2.
- i. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.71.3, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.71.3 (a)(3).
6. a. Check the box if the district is requesting project assistance allowance pursuant to Section 1859.78.2. If the district has not submitted a request for new construction baseline eligibility on a district-wide basis, it must submit a current Form SAB 50-01 based on district-wide enrollment data with this form.
- b. If the district is requesting an Additional Grant for Energy Efficiency pursuant to Section 1859.78.5, enter the percentage of energy efficiency that exceeds Title 24 requirements as prescribed in Section 1859.78.5 (a)(3).
- c. Check the box if the district requests an additional grant for site development utility cost necessary for the modernization of 50 years or older permanent building(s). Enter 60 percent of the eligible costs allowable pursuant to Section 1859.78.7(a).
7. Check the appropriate box to request an augmentation to the New Construction or Modernization Grants for an excessive cost hardship for the items listed. Refer to Section 1859.83 for eligibility criteria. Requests for excessive cost grants for a new two-stop elevator(s) and for additional stops in a modernization project are allowed only if required by the Division of the State Architect (DSA). Attach copy of the DSA letter that requires that the elevator(s) be included in the project for handicapped access compliance.
- If the request is for rehabilitation mitigation, report 80 percent or 60 percent (as appropriate) of health/safety rehabilitation mitigation cost for a modernization project as authorized by Section 1859.83 (e).
8. Enter the priority order of this project in relation to other new construction applications submitted by the district on the same date. If applications are not received on the same date, the OPSC will assign a higher district priority to the application received first. Check the box(es) if the project meets the criteria outlined in Section 1859.92(c)(3),(4) and (6), as appropriate. This information is needed for purposes of priority points.
9. If the project the district is requesting SFP grants for received a Phase P, S, or C approval under the LPP, report the application number of that project, regardless if the project actually received funding or was included on an "unfunded" list. Failure to report this information may delay the processing of the application by the OPSC.
10. If the project received a separate apportionment under the SFP for either site and/or design, or site environmental hardship, enter the application number of the project. Failure to report this information may delay the processing of the application by the OPSC.
11. a. If this request is to convert a Preliminary Apportionment to a Final Apportionment, enter the application number of the Preliminary Apportionment. Failure to report this information may delay the processing of the application by the OPSC.
- b. If this request is to convert a Preliminary Charter School Apportionment to a Final Charter School Apportionment, enter the application number of the Preliminary Charter School Apportionment. Failure to report this information may delay the processing of the application by the OPSC.
12. The district must report certain alternative fees collected pursuant to Government Code Section 65995.7, as of the date of application submittal to the OPSC. Refer to Section 1859.77 for details. Districts are advised that the OPSC may perform an audit of the developer fees collected prior to application approval by the Board.
13. Complete only for new construction projects.
- Pursuant to Section 1859.51 certain adjustments to the district's new construction baseline eligibility must be made each time a district submits Form SAB 50-04, to the OPSC for SFP grants. These adjustments are made automatically by the OPSC based on information reported by the district on this form.
- a. Report all additional classroom(s) provided after the district submitted its request for determination of its new construction baseline eligibility for the grades shown, with the exception of a classroom that is/was:
- A trailer and transportable/towed on its own wheels and axles.
  - Excluded pursuant to Education Code Section 17071.30.
  - Under contract for lease, lease-purchase, or construction prior to January 1, 2000.
  - Under contract for lease, lease-purchase, or construction was made and Occupancy of any classroom included in the construction contract has not occurred prior to no more than 180 days before submittal of this form to the OPSC.
  - Included in a SFP project where the district has funded a portion of the project beyond its required district contribution and the pupil capacity of the classroom does not exceed 150 percent of the number of pupils receiving a new construction grant (rounded up) for the SFP project.
  - Acquired with Joint-Use Funds pursuant to Education Code Sections 17052 or 17077.40.
- b. If the eligibility for this project was determined on a high school attendance area (HSAA) or Super HSAA pursuant to Section 1859.41, enter the number of pupils by grade level type that were included in the latest report by the CDE pursuant to Education Code Section 42268 that received operational grants in that HSAA or Super HSAA.
14. Complete only for new construction projects. Indicate if there is a pending reorganization election that will result in a loss of eligibility for this project. If the answer is "yes", the district must complete Form SAB 50-01, Form SAB 50-02 and Form SAB 50-03, to adjust the district's new construction baseline eligibility as a result of the reorganization and submit them with this form.
15. Check the box if:
- a. the facilities to be constructed/ modernized as part of this project will be for joint use by other governmental agencies.
- b. the new construction or modernization grants will be used for facilities located or to be located on leased property.
16. The architect of record or the licensed architect must complete this section.
17. The architect of record or the appropriate design professional must complete this section.
18. The district representative must complete this section.

**APPLICATION FOR FUNDING**

## SCHOOL FACILITY PROGRAM

SAB 50-04 (REV 04/08/03)

The school district named below applies to the State Allocation Board via the Office of Public School Construction for a grant under the provisions of Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et seq., of the Education Code and the Regulations thereto.

SCHOOL DISTRICT		APPLICATION NUMBER
SCHOOL NAME		PROJECT TRACKING NUMBER
COUNTY	DISTRICT REPRESENTATIVE'S E-MAIL ADDRESS	HIGH SCHOOL ATTENDANCE AREA (HSAA) OR SUPER HSAA (IF APPLICABLE)

**1. Type of Application (Check Only One)**

- ☐ New Construction  
☐ New Construction (Final Apportionment)  
☐ New Construction (Final Charter School Apportionment)  
☐ Modernization  
☐ Modernization of California Schools for Deaf/Blind

**Separate Apportionment**

- ☐ Site Only – New Construction (Section 1859.81.1)  
☐ Site Only (District owned) – New Construction (Section 1859.81.2)  
☐ Site Only – Environmental Hardship (Section 1859.75.1)  
☐ Design Only – New Construction (Section 1859.81.1)  
☐ Design Only – Modernization  
☐ Design Only – Modernization of California Schools for Deaf/Blind  
☐ Facility Hardship (Section 1859.82 (a))  
☐ Facility Hardship (Section 1859.82 (b))  
☐ Rehabilitation (Section 1859.83 (e))  
☐ Advance Funding for Evaluation and RA

**2. Type of Project**

- a. ☐ Elementary School ☐ Middle School ☐ High School

Pupils Assigned:

K-6 \_\_\_\_\_ 7-8 \_\_\_\_\_ 9-12 \_\_\_\_\_

Non-Severe \_\_\_\_\_ Severe \_\_\_\_\_

- b. ☐ 50 years or older building funding (Modernization only)

• Total Classrooms/Square Footage \_\_\_\_\_

• Classroom/Square Footage at least 50 years old \_\_\_\_\_

- c. Is this a 6-8 School? ☐ Yes ☐ No

If you answered yes, how many K-6 pupils reported above are sixth graders? # \_\_\_\_\_

- d. ☐ Automatic Fire Detection/Alarm System ☐ Automatic Sprinkler System

- e. Is this a use of grant request pursuant to Section 1859.77.2? ☐ Yes ☐ No

Is this request pursuant to Section 1859.77.2(c)? ☐ Yes ☐ No

If yes, enter date of successful bond election: \_\_\_\_\_

Is this a use of grant request pursuant to Section 1859.77.3? ☐ Yes ☐ NoIs this request pursuant to Section 1859.77.3(c)? ☐ Yes ☐ No

If yes, enter date of successful bond election: \_\_\_\_\_

- f. ☐ Facility Hardship (no pupils assigned)

**3. Number of Classrooms**

Master Plan Acreage Site Size (Useable) \_\_\_\_\_

Existing Acres (Useable) \_\_\_\_\_

Proposed Acres (Useable) \_\_\_\_\_

**4. ☐ Financial Hardship Request – (Must Have Pre-Approval by OPSC)****5. New Construction Additional Grant Request (New Construction Only)**

a. Therapy: Toilets (sq. ft.) \_\_\_\_\_ Other (sq. ft.) \_\_\_\_\_

b. Multilevel Construction (crs) \_\_\_\_\_

c. ☐ Project Assistance

d. Site Acquisitions:

☐ Leased Site ☐ Additional Acreage to Existing Site ☐ Addition to Existing Site

(1) 50 percent Actual Cost \$ \_\_\_\_\_

(2) 50 percent Appraised Value \$ \_\_\_\_\_

(3) 50 percent Relocation Cost \$ \_\_\_\_\_

(4) 2 percent (min. \$25,000) \$ \_\_\_\_\_

(5) 50 percent DTSC Fee \$ \_\_\_\_\_

e. 50 percent Hazardous waste removal \$ \_\_\_\_\_

☐ Response Action (RA)

f. Site Development

☐ 50 percent Service-Site \$ \_\_\_\_\_☐ 50 percent Off-Site \$ \_\_\_\_\_☐ 50 percent Utilities \$ \_\_\_\_\_

g. Facility Hardship Section 1859.82 (a) or (b)

☐ Toilet (sq. ft.) \_\_\_\_\_ ☐ Other (sq. ft.) \_\_\_\_\_

h. Replacement area

☐ Toilet (sq. ft.) \_\_\_\_\_ ☐ Other (sq. ft.) \_\_\_\_\_i. ☐ Energy Efficiency \_\_\_\_\_ %**6. Modernization Additional Grant Request (Modernization Only)**a. ☐ Project Assistanceb. ☐ Energy Efficiency \_\_\_\_\_ %c. ☐ Site Development – 60 percent Utilities \$ \_\_\_\_\_

**APPLICATION FOR FUNDING****SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 04/08/03)

**7. Excessive Cost Hardship Request (New Construction Only)**

- ☐ Geographic Percent Factor \_\_\_\_\_ %
- ☐ New School Project    ☐ Small Size Project
- ☐ Urban/Security/Impacted Site:  
If a new site, \$ \_\_\_\_\_ per Useable Acre [Section 1859.83(d)(2)(C)]

**Excessive Cost Hardship Request (Modernization only)**

- ☐ Rehabilitation/Mitigation [Section 1859.83 (e)] \$ \_\_\_\_\_
- ☐ Geographic Percent Factor \_\_\_\_\_ %
- ☐ Handicapped Access/Fire Code (3%) \_\_\_\_\_
- ☐ Number of 2 Stop Elevators \_\_\_\_\_
- ☐ Number of Additional Stops \_\_\_\_\_
- ☐ Small Size Project    ☐ Urban/Security/Impacted site

**8. Project Priority Funding Order – New Construction Only**

Priority order of this application in relation to other new construction applications submitted by the district at the same time # \_\_\_\_\_

- Project meets: ☐ Density requirement pursuant to Section 1859.92 (c) (3).  
☐ Stock plans requirement pursuant to Section 1859.92 (c) (4).  
☐ Energy efficiency requirement pursuant to Section 1859.92 (c) (6).

**9. Prior Approval Under the LPP**

New Construction 22/ \_\_\_\_\_ Modernization 77/ \_\_\_\_\_

**10. Prior Apportionment Under the SFP**

Site/Design – New Construction 50/ \_\_\_\_\_ Design – Modernization 57/ \_\_\_\_\_

**11. a. Preliminary Apportionment Application Number**

# \_\_\_\_\_

**b. Preliminary Charter School Apportionment Application Number**

# \_\_\_\_\_

**12. Alternative Developer Fee – New Construction Only**

Alternative developer fee collected and reportable pursuant to Regulation Section 1859.77 \$ \_\_\_\_\_

**13. Adjustment to Baseline Eligibility for New Construction Only**

- a. Additional Classroom(s) provided:  
K–6 \_\_\_\_\_ 7–8 \_\_\_\_\_ 9–12 \_\_\_\_\_  
Non-Severe \_\_\_\_\_ Severe \_\_\_\_\_
- b. Operational Grant (HSAA) only  
K–6 \_\_\_\_\_ 7–8 \_\_\_\_\_ 9–12 \_\_\_\_\_  
Non-Severe \_\_\_\_\_ Severe \_\_\_\_\_

**14. Pending Reorganization Election - New Construction Only**

- ☐ Yes    ☐ No

15. a. ☐ Joint Use Facility  
b. ☐ Leased Property

**16. Architect of Record or Licensed Architect Certification**

I certify as the architect of record for the project or as a licensed architect that:

- The P&S for this project were submitted to the OPSC by electronic medium (i.e., CD-ROM, zip disk or diskette) or as an alternative, if the request is for a modernization Grant, the P&S were submitted in hard copy to the OPSC.
- Any portion of the P&S requiring review and approval by the Division of the State Architect (DSA) were approved by the DSA on (enter DSA approval date) \_\_\_\_\_.  
(If the P&S were not approved by the DSA enter N/A.)
- Any portion of the P&S not requiring review and approval by the DSA meets the requirements of the California Code of Regulations, Title 24, including any handicapped access and fire code requirements.
- If the request is for a Modernization Grant, the P&S include the demolition of more classrooms than those to be constructed in the project, the difference is \_\_\_\_\_ classroom(s). (Indicate N/A if there are none.)
- If the request is for a Modernization Grant, the P&S include the construction of more classrooms than those to be demolished in the project, the difference is \_\_\_\_\_ classroom(s). (Indicate N/A if there are none.)

ARCHITECT OF RECORD OR LICENSED ARCHITECT (PRINT NAME)

SIGNATURE

DATE

**17. Architect of Record or Design Professional Certification**

I certify as the architect of record for the project or the appropriate design professional, that:

- If the request is for a New Construction Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S including deferred items (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share, less site acquisition costs. This cost estimate does not include site acquisition, planning, tests, inspection, or furniture and equipment and is available at the district for review by the OPSC.
- If the request is for a Modernization Grant, I have developed a cost estimate of the proposed project which indicates that the estimated construction cost of the work in the P&S, including deferred items and interim housing (if any) relating to the proposed project, is at least 60 percent of the total grant amount provided by the State and the district's matching share. This cost estimate does not include planning, tests, inspection or furniture and equipment and is available at the district for review by the OPSC.

ARCHITECT OF RECORD OR DESIGN PROFESSIONAL (PRINT NAME)

SIGNATURE

DATE

**APPLICATION FOR FUNDING****SCHOOL FACILITY PROGRAM**

SAB 50-04 (REV 04/08/03)

**18. Certification**

I certify, as the District Representative, that the information reported on this form, with the exception of items 16 and 17, is true and correct and that:

I am an authorized representative of the district as authorized by the governing board of the district; and,

- A resolution or other appropriate documentation supporting this application under Chapter 12.5, Part 10, Division 1, commencing with Section 17070.10, et. seq., of the Education Code was adopted by the School District's Governing Board or the designee of the Superintendent of Public Instruction on,

- \_\_\_\_\_ ; and,
- The district has established a "Restricted Maintenance Account" for exclusive purpose of providing ongoing and major maintenance of school buildings and has developed an ongoing and major maintenance plan that complies with and is implemented under the provisions of Education Code Section 17070.75 and 17070.77 (refer to Sections 1859.100 through 1859.102); and,
- The district has considered the feasibility of the joint use of land and facilities with other governmental agencies in order to minimize school facility costs; and,
- The district will comply with all laws pertaining to the construction or modernization of its school building; and,
- Facilities to be modernized have not been previously modernized with Lease-Purchase Program, Proposition 1A Funds or School Facility Program state funds; and,
- All contracts entered on or after November 4, 1998 for the service of any architect structural engineer or other design professional for any work under the project have been obtained pursuant to a competitive process that is consistent with the requirements of Chapter 10 (commencing with Section 4525) of Division 5, of Title 1, of the Government Code; and,
- If this request is for new construction funding, the district has received approval of the site and the plans from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- If this request is for modernization funding, the district has received approval of the plans for the project from the CDE. Plan approval is not required if request is for separate design apportionment; and,
- The district has or will comply with the Public Contract Code regarding all laws governing the use of force account labor; and,
- This district has or will comply with Education Code Section 17076.11 regarding at least a 3 percent expenditure goal for disabled veteran business enterprises; and,
- The district matching funds required pursuant to Sections 1859.77.1 or 1859.79 has either been expended by the district, deposited in the County School Facility Fund or will be expended by the district prior to the notice of completion for the project; and,
- The district has received the necessary approval of the plans and specifications from the Division of the State Architect unless the request is for a separate site and/or design apportionment; and,
- If the district is requesting site acquisition funds as part of this application, the district has complied with Sections 1859.74 through 1859.75.1 as appropriate; and,
- With the exception of an apportionment made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 18 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105); and,
- If the apportionment for this project was made pursuant to Section 1859.75.1, the district understands that the lack of substantial progress toward increasing the pupil capacity or renovation of its facilities within 12 months of receipt of any funding shall be cause for the rescission of the unexpended funds (refer to Section 1859.105.1); and,
- The district understands that funds not released within 18 months of apportionment shall be rescinded and the application shall be denied (refer to Section 1859.90); and,
- The statements set forth in this application and supporting documents are true and correct to the best of my knowledge and belief; and,

- All school facilities purchased or newly constructed under the project for use by pupils who are individuals with exceptional needs, as defined in Education Code Section 56026, shall be designed and located on the school site so as to maximize interaction between those individuals with exceptional needs and other pupils as appropriate to the needs of both; and,
- This form is an exact duplicate (verbatim) of the form provided by the OPSC. In the event a conflict should exist, the language in the OPSC form will prevail; and,
- The district understands that some or all of the State funding for the project must be returned to the State as a result of an audit pursuant to Sections 1859.105, 1859.105.1, 1859.106; and,
- The district has complied with the provisions of Sections 1859.76 and 1859.79.2 and that the portion of the project funded by the State does not contain work specifically prohibited in those Sections; and,
- If the SFP grants will be used for the construction or modernization of school facilities on leased land, the district has entered into a lease agreement for the leased property that meets the requirements of Section 1859.22; and,
- If the application contains a "Use of New Construction Grant" request, the district has adopted a school board resolution and housing plan at a public hearing at a regularly scheduled meeting of the governing board on \_\_\_\_\_ as specified in Sections 1859.77.2, or 1859.77.3, as appropriate. The district's approved housing plan is as indicated (check all that apply):
  - ☐ 1. The district will construct or acquire facilities for housing the pupils with funding not otherwise available to the SFP as a district match within five years of project approval by the SAB and the district must identify the source of the funds. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 2. The district will utilize higher district loading standards providing the loading standards are within the approved district's teacher contract and do not exceed 33:1 per classroom. [Applicable for Sections 1859.77.2(a) and (b) and 1859.77.3(a) and (b)]
  - ☐ 3. The pupils requested from a different grade level will be housed in classrooms at an existing school in the district which will have its grade level changed, to the grade level requested, at the completion of the proposed SFP project. [Applicable for Sections 1859.77.2(b) and 1859.77.3(b)]
- If the district requested additional funding for fire code requirements pursuant to Sections 1859.71.2 or 1859.78.4, the district will include the automatic fire detection/alarm system and/or automatic sprinkler system in the project prior to completion of the project; and
- If this request is for a Large New Construction Project or a Large Modernization Project, the district has consulted with the career technical advisory committee established pursuant to Education Code Section 8070 and it has considered the need for vocational and career technical facilities to adequately meet its program needs in accordance with Education Code Sections 51224, 51225.3(b) and 52336.1; and
- If the district is requesting an Additional Grant for Energy Efficiency pursuant to Sections 1859.71.3 or 1859.78.5, the increased costs for the energy efficiency components in the project exceeds the amount of funding otherwise available to the district; and
- The district has or will initiate and enforce a Labor Compliance Program that has been approved by the Department of Industrial Relations, pursuant to Labor Code Section 1771.7, if the project is funded from Proposition 47 and the Notice to Proceed for the construction phase of the project is issued on or after April 1, 2003; and,
- Occupancy of any classroom included in the construction contract has not occurred prior to submittal of this form to the OPSC, except in the case of a request for funding submitted pursuant to Section 1859.70.2

SIGNATURE OF DISTRICT REPRESENTATIVE

DATE